## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

STEVEN RONALD GOLKA, PRO SE, also known as STEVEN GOLKA, \$
TDCJ-CID No. 1577998, \$

Plaintiff, \$

V. \$ 2:11-CV-0262

NFN CLARK, R.N., aka JANE DOE; \$
NFN JACKSON, L.V.N., aka JANE DOE; \$
NFN CUNNINGHAM, R.N., aka JANE DOE; \$
K. WALLACE, F.H.A.; and \$
GUY AMITH¹, \$
Defendants. \$

## ORDER OF PARTIAL DISMISSAL

Plaintiff STEVEN RONALD GOLKA, acting pro se and while a prisoner confined in the Texas Department of Criminal Justices, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and has been granted permission to proceed in forma pauperis.

On September 20, 2012, a Report and Recommendation was issued by the United States Magistrate Judge recommending plaintiff's claims against all defendants in their official capacities be dismissed without prejudice pursuant to Rule 12(a), FED.R.CIV.PRO.; plaintiff's remaining claims against defendants JACKSON and CUNNINGHAM, in their individual capacities, be dismissed without prejudice for failure to state a claim on which relief can be granted; and plaintiff's remaining claims against defendants WALLACE and AMITH in their individual capacities, be dismissed with prejudice as frivolous

The period for response has expired, and no objections have been filed by plaintiff.

<sup>&</sup>lt;sup>1</sup>Plaintiff acknowledges this defendant's name is more likely to be "Smith." He says, however, the signature is illegible, and he has chosen to designate this defendant as "Amith." The Court will refer to this defendant as "Amith" for the sake of consistency.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that plaintiff's claims against ALL DEFENDANTS IN THEIR OFFICIAL CAPACITIES are DISMISSED WITHOUT PREJUDICE PURSUANT TO RULE 12(a), FED.R.CIV.PRO.; plaintiff's remaining claims against defendants JACKSON and CUNNINGHAM, IN THEIR INDIVIDUAL CAPACITIES, are DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED; and plaintiff's remaining claims against defendants WALLACE and AMITH IN THEIR INDIVIDUAL CAPACITIES, are DISMISSED WITH PREJUDICE AS FRIVOLOUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the \_\_\_\_\_\_ day of October, 2012.

MARY LOU ROBINSON United States District Judge